THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12701 OF 2006

ORAL ORDER:

The petitioner seeks a writ of mandamus declaring the alleged action of the respondents in not accepting the tender of the petitioner in respect of Shop No.99, Ward No.18 of Narsapur,West Godavari District as arbitrary and illegal.

The petitioner states that in pursuance of the auction notice dated 27.5.2006, issued under the provisions of the , inviting tenders for grant of a lease for sale of liquor by shop, he had submitted his tender for shop No.99, in Ward NO.18 of Narsapur Municipality. He states that having received the said tender, the petitioner was also issued an entry pass on 2.6.2006. The petitioner claims to have quoted a sumof Rs.26,99,999.99 ps as against the up set price of Rs.24,20,002/-. It is also stated that he has taken a demand draft for a sum of Rs.4,50,000/- drawn on Vijaya Bank, Narsapur towards 1/6th of the lease amount. The grievance of the petitioner is that though no other tenderer had participated in respect of shop No.99, the respondents failed to accept the tender submitted by the petitioner, duly receiving 1/6th of lease amount and they have been postponing finalisation of the tender on some protest or other. Hence, this writ petiton.

On 26.6.2006 when the matter came up for admission, the learned Government Pleader accepted notice on behalf of respondents and today, under instructions, states that though it is true that in respect of shop NO.99, the petitioner was the only bidder who articipated, on 3.6.2006, he was not present in the auction hall and, consequently, the shop in question was renotified on 13.6.2006, and after considering the bids received, the same was finalized on 30.6.2006.

However, the learned counsel for the petitioner vehemently contended that the said version of the respondents is false, and as a

matter of fact, the petitioner has taken the demand draft towards 1/6th of the bid amount on 2.6.2006 itself and that on the same day entry pass was also issued to him. I am unable to accept the said contention of the learned counsel for the petitioner in the absence of any specific plea in the affidavit or any other material to substantiate the same. At any rate, it is a pure question of fact, which cannot be gone into and decided in this proceedings under Article 226 of the Constitution of India. The fact remains that as on to-day, tenders were already finalized on 30.6.2006.

In the circumstances, the relief as prayed for cannot be granted. The writ petition is accordingly, dismissed. No costs.